

KEVIN V. RYAN (CSBN 118321)
United States Attorney

EUMI L. CHOI (WVBN 0722)
Chief, Criminal Division

CANDACE KELLY (CSBN 191473)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-6962
FAX: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. CR 06-0090-MHP
Plaintiff,)
v.)
HARUT KORAKOSSIAN,) STIPULATION AND [PROPOSED]
a/k/a Harry Korakossian,) PROTECTIVE ORDER
a/k/a Harut Korakissian,)
a/k/a Harry Korakissian,)
a/k/a Harutyun Kirakossian,)
WILSON FUNG,)
EDWARD RIDGELL, and)
DAISY TORRES CRUZ,)
Defendants.)

Defendants are charged with violations of Title 18, United States Code, Sections 1347 and 2 – Health Care Fraud and Aiding, and Title 18, United States Code, Section 1349 – Conspiracy to Commit Health Care. In the course of discovery in this matter, the defendants have requested production and review of documentary evidence in the possession of the government which contains individually identifiable information

ORDER
CR 06-0090-MHP

1 disclosing medical information about patients who are not parties to this proceeding. The
2 underlying substantive facts in this documentary evidence may be material and necessary
3 to the prosecution or defense of this proceeding. To expedite the production of discovery
4 material and to adequately protect the individually identifiable health information, the
5 parties agree and stipulate that materials containing individually identifiable health
6 information will be handled in accordance with the conditions set forth below. In order to
7 protect the confidentiality of this information, and with the stipulation of the parties, the
8 government asks the Court to enter the following protective order:

9 1. Before producing materials containing individually identifiable
10 health information, the government will designate such materials as confidential by
11 affixing "CONFIDENTIAL HEALTH INFORMATION –SUBJECT TO PROTECTIVE
12 ORDER" to the material itself or to the diskette or CD-Rom containing the material.

13 2. Except when being actively examined for the purpose of the
14 preparation of the defense's case, defense counsel shall maintain the protected material in
15 a locked, safe, and secure drawer, cabinet, safe, or room which is accessible only to
16 defense counsel. Defense counsel shall not permit any person access of any kind to the
17 protected materials except as set forth below.

18 3. If any defense counsel wishes to utilize the services of any paralegal,
19 investigator, expert or other individual to review the protected materials in connection
20 with the preparation of a defense, prior to receiving access to the materials such
21 individual must sign a copy of the "Acknowledgment of Protective Order and Proper
22 Handling of Materials Subject Thereto" attached to a copy of this Order acknowledging
23 that:

- 24 a) he/she has reviewed the Order;
25 b) he/she understand its contents;
26 c) he/she agrees that he/she will only access the protected materials for
27 the purposes of preparing the defense case;
28 d) he/she will not make any copies of any of the protected materials

ORDER
CR 06-0090-MHP

1 without further order of the Court;

2 e) he/she understands that failure to abide by this Order may result in
3 sanctions by this Court.

4 Defense counsel shall promptly file signed copies of the Order along with the
5 signed Acknowledgment of Protective Order and Proper Handling of Materials Subject
6 Thereto Order, ex parte and under seal. The government shall have no access to these
7 signed copies without further order of the Court.

8 4. A copy of this order shall be maintained with the protected material
9 at all times.

10 5. Counsel should make every effort to redact the individually
11 identifiable health information that is included in pleadings. In addition, any pleadings in
12 which it is necessary to include or make reference to such information shall be filed under
13 seal.

14 6. Within five court days of any judgement and sentencing hearing in
15 this matter, all material containing individually identifiable health care information that
16 was produced pursuant to this Order, if any, shall be returned to the Government or
17 destroyed by shredding or similar manner. If defendant believes that he or she must
18 maintain the protected material for any reason related to appeal, defendant must seek
19 authorization from the Court within five days of the sentencing and judgement in this
20 matter.

21 SO STIPULATED.

23 DATED: 7/18/06

24 /s/
EUGENE ILLOVSKY
Attorney for Defendant KORAKOSSIAN

26 DATED: 7/19/06

27 /s/
CANDACE KELLY
Assistant United States Attorney

28 ORDER
CR 06-0090-MHP

1 IT IS ORDERED that disclosure of the above-described discovery materials
2 shall be restricted as set forth above.
3

4 DATED: July 20, 2006
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



ORDER
CR 06-0090-MHP

1 **Acknowledgment of Protective Order and Proper Handling of Materials Subject
2 Thereto**

3 I _____ am employed as a(n) _____ and I am assisting _____
4 _____ (attorney) in the preparation of the defense of _____
5 (defendant). In anticipation of reviewing materials that contain individually identifiable
6 health information, I have reviewed the attached Order. I understand its contents. I agree
7 that I will only access the protected materials for the purposes of preparing the defense
8 case. I will not make any copies of any of the protected materials without further order of
9 the Court. I understand that failure to abide by this Order may result in sanctions by this
10 Court.

11
12 DATED: _____

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
ORDER
CR 06-0090-MHP